

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
vs.) Case Nos. 1:08-cr-133
TIMOTHY PHILLIPS)) JUDGE MATTICE

MEMORANDUM AND ORDER

The defendant appeared for a hearing before the undersigned on August 3, 2010, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for Warrant for Offender Under Supervision of U.S. Probation Officer Bobby J. Byars and the Warrant for Arrest issued by U.S. District Judge Harry S. Mattice, Jr. Those present for the hearing included:

- (1) AUSA Perry Piper for the USA.
- (2) The defendant TIMOTHY PHILLIPS.
- (3) Attorney Rita LaLumia for defendant.
- (4) Deputy Clerk Kelli Jones.

After being sworn in due form of law the defendant was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

It was determined the defendant wished to be represented by an attorney and he qualified for the appointment of an attorney to represent him at government expense. Attorney Rita LaLumia of Federal Defender Services was appointed to represent the defendant. It was determined the defendant had been provided with a copy of the Petition for Warrant for Offender Under Supervision and the Warrant for Arrest and had the opportunity of reviewing those documents with Atty. LaLumia. It was also determined the defendant was capable of being able to read and understand the copy of the aforesaid documents he had been provided.

Defendant waived his right to a preliminary hearing and detention hearing.

AUSA Piper moved defendant be detained without bail pending his revocation hearing before U.S. District Judge Harry S. Mattice, Jr.

Findings

- (1) Based upon U.S. Probation Officer Bobby J. Byars' petition and defendant's waiver of preliminary hearing and detention hearing, the undersigned finds there is

probable cause to believe defendant has committed violations of his conditions of supervised release as alleged in the petition.

Conclusions

It is ORDERED:

- (1) The defendant, TIMOTHY PHILLIPS, shall appear in a revocation hearing before U.S. District Judge Harry S. Mattice, Jr.
- (2) The motion of AUSA Piper that defendant be DETAINED WITHOUT BAIL pending his revocation hearing before Judge Mattice is GRANTED.
- (3) The U.S. Marshal shall transport TIMOTHY PHILLIPS to a revocation hearing before Judge Mattice on **Monday, August 9, 2010, at 9:00 am.**

ENTER.

/s/William B. Mitchell Carter
UNITED STATES MAGISTRATE JUDGE